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GENERAL PROVISIONS

§ 156.01 SHORT TITLE.

This chapter shall be known, and may be cited hereafter, as the zoning code of the city.

(Ord. 12-1964, passed 8-11-64)

Statutory reference:

Authority to zone, see IC 36-7-2-2

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ABUTTING." Bordering.

"ACCESSORY BUILDING AND USE." A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy; such as public utility installations, electric distribution, and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, incidental equipment, and public telephone booths.

"AGRICULTURE." The art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding, and management of livestock; tillage, husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use and their disposal by marketing or otherwise. In this broad use it includes farming, horticulture, forestry, dairying, and sugar making.

"AIRPORT." A use devoted to the take-off, landing, and storing of aircraft.

"ALLEY." A permanent public service way providing a secondary means of access to abutting lands.

"ALLEY LINE." A lot line bordering on an alley.

"APARTMENT." A building or portion thereof designed for or occupied by more than two families. A multi-family dwelling.

"AUTOMOBILE OR TRAILER SALES AREA." An open area, other than a street, used for the display, sale, or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.

"BASEMENT." A story, wholly or partly underground, which unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purposes of height measurement.

"BLOCK." A unit or property bounded by streets, or by streets and railroad rights-of-way, waterways, or other barriers.

"BLOCK FRONTAGE." Property having frontage on one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, waterway, or other barrier.

"BOARD." The Board of Zoning Appeals.

"BOARDING HOUSE" or "LODGING HOUSE." A building where meals are regularly served for compensation for three or more persons, but not exceeding 12 persons, not open to transients, in contradistinction to hotels and restaurants open to transients.

"BUILDING." A structure having a roof supported by columns or walls, for shelter, support, enclosure, or protection of persons, animals, chattels, or other property. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.

"BUILDING AREA." The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

"BUILDING, DETACHED." A building having no structural connection with another building.

"BUILDING, FRONT LINE OF." The line of the face of the building nearest the front lot line.

"BUILDING, HEIGHT OF." The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

"BUILDING LINE" or "BUILDING SETBACK LINE." The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

"BUILDING, PRINCIPAL." A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the **"PRINCIPAL BUILDING"** in a substantial manner, as by a roof, such accessory building shall be counted as a part of the **"PRINCIPAL BUILDING."**

"BUSINESS." The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

"CAMP, PUBLIC." Any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, or other camping outfits.

"CEMETERY." Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

"CLUB." Buildings and facilities owned or operated by a person for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

"COMMERCIAL FARM ENTERPRISE." An operation or use inherent to or closely associated with a farm or agriculture, such as the buying, selling, or distribution of livestock, farm, or agricultural products; or products essential to farm operation; but not including industrial grain elevators, industrial mills, abattoirs, commercial hatcheries, and poultry processing plants, the manufacture of commercial fertilizers, and similar enterprises which are of an industrial nature.

"COMMISSION." The Plan Commission.

"COMPREHENSIVE MASTER PLAN." The complete plan or any of its parts for the development of the city, prepared by the Plan Commission and adopted in accordance with Chapter 174, Acts of 1947, General Assembly of Indiana, as is now or may hereafter be in effect.

"DECIBEL." A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

"DEVELOPMENT PLAN." A drawing, including a legal or site description, of the real estate involved, which shows the location and size of the following, both existing and proposed: all buildings, structures and yards; location and dimensions of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities and other improvements such as planting areas.

"DEVELOPMENT PLAN, RESIDENTIAL." A plan proposed to use a tract of land for residential development in accordance with the requirements of this chapter, even though the use of the land, the location of the buildings to be erected in the area, and the yards and open spaces provided in the Plan do not conform in certain respects to the regulations for the district in which the residential development is proposed to be located.

"DISTRICT." A section of the territory within the jurisdiction of the Plan Commission for which uniform regulations governing the use, height, area, size, and intensity of the use of buildings and land, and open spaces about buildings, are herein established.

"DWELLING." A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels, motels, lodging or boarding houses, or tourist homes.

"DWELLING UNIT." A dwelling or portion of a dwelling used for one family for cooking, living, and sleeping purposes.

"EDUCATIONAL INSTITUTION." Public or parochial preprimary, primary, grade, junior high, high, preparatory school or academy; junior college, college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

"FAMILY." One or more persons occupying a building and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses home, fraternity, or sorority house.

"FARM." A tract of land comprising an area which is devoted to agricultural operations, such as forestry, the growing of crops, pasturage, the production of livestock and poultry, the growing of trees, shrubs, and plants, and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; farm residences for the owner, operator, or farm assistants; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures.

"FILLING STATION." Any building, structure, premises, enclosure, or other place used for the dispensing, sale, or offering for sale at retail of fuels or oils for motor vehicles. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

"FLASH POINT." The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

"FLOOR AREA, GROUND." The square foot area of a residential building

within its largest outside dimensions computed on a horizontal plane at the ground floor level exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

"FLOOR AREA, NET." The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs, and other accessory areas used for ingress or egress.

"FREE BURNING." A rate of combustion described by a material which burns actively and easily supports combustion.

"FRONTAGE." All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

"GARAGE, PRIVATE." An accessory building with capacity for not more than three motor vehicles per family, not more than one of which may be a commercial vehicle of not more than three tons capacity. A garage designed to house one or two motor vehicles for each family housed in a multi-family dwelling shall be classed as a **"PRIVATE GARAGE."**

"GARAGE, PUBLIC." Any building, except those defined herein as a private garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire, or sale.

"GRADE" or **"LOT GROUND LEVEL."** For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.

"GROUP HOUSE." A group of dwellings constructed in a row, with the dwelling units separated by vertical party walls without openings. A multi-family dwelling.

"HOME OCCUPATION." Any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection

with which there is no commodity sold on the premises except that which is produced thereon, provided that no sign other than a nameplate is attached to the building.

"HOSPITAL." An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like.

"HOTEL." A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or loading house.

"IMPROVEMENT LOCATION PERMIT." A permit signed by the Planning Administrator stating that a proposed improvement complies with the provisions of this chapter and such other ordinances as may be applicable.

"INDUSTRIAL PARK." A single structure or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

"INTENSE BURNING." A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

"JUNK YARD." Any place at which personal property is or may be salvaged for reuse, resale, or reduction, or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, papers, rags, glass, rubber, lumber, millwork, brick, and similar property except animal matter; and used motor vehicles, machinery, or equipment which is used, owned, or possessed for the purpose of wrecking or salvaging parts therefrom.

"JURISDICTION OF THE COMMISSION." The territory for planning and zoning within the jurisdiction of the City Plan Commission.

"KENNEL." Any lot on which four or more dogs, or small animals, at least four months of age are kept.

"LOADING AND UNLOADING BERTHS." The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this chapter is held to be a 12 by 45 foot loading space with a 14 foot height clearance.

"LOT." A parcel, tract, or area of land accessible by means of a street or place and for residential uses as set forth in this chapter, abutting on a street or place for at least 50% of the lot width prescribed for the district in which the lot is located. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the Recorder of the County, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines no part thereof within the limits of a street or place shall be included.

"LOT, CORNER." A lot at the junction of and abutting two or more intersecting streets.

"LOT COVERAGE." The percentage of the lot area covered by the building area.

"LOT, DEPTH OF." The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

"LOT, INTERIOR." A lot other than a corner lot or through lot.

"LOT LINE, FRONT." In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest frontage of the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.

"LOT LINE, REAR." A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

"LOT LINE, SIDE." Any boundary line not a front lot line or a rear lot line.

"LOT OF RECORD." A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Clay County, Indiana, or a parcel of land, the deed to which has been recorded in the office of the

County Recorder of Clay County, Indiana, on or before the date of passage of this chapter.

"LOT, REVERSED INTERIOR." An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

"LOT, THROUGH." A lot having frontage on two parallel or approximately parallel streets.

"LOT WIDTH." The dimension of a lot, measured between side lot lines on the building line.

"MOBILE HOME." Any vehicle either self-propelled or propelled by means of being attached to a motor vehicle, which may be used as a place of abode or sleeping place by one or more persons, and which has no foundation other than the wheels required for its movement from one place to another.

"MOBILE HOME PARK." An area of land on which two or more mobile homes are harbored for the purpose of being occupied either free of charge or in consideration of the payment of rental for the mobile home or the site on which it rests, and within which area a mobile home may be supported either by its wheels or by a foundation of any sort.

"MODERATE BURNING." A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

"MOTEL." Any building or detached building used as dwelling units containing bedroom, bathroom, and closet space, and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

"NURSING HOME." A facility licensed by the State Board of Health, which provides nursing services on a continuing basis; admits the majority of the occupants on the advice of physicians as ill or infirm persons requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records. Such facilities may also provide other and similar medical or health services, provided that no occupant requires physical restraint within the facility. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged, and the like.

"NURSING HOME CONVERSIONS." A dwelling which is converted for the use of a nursing home and licensed by the State Board of Health.

"OCTAVE BAND." A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.

"OCTAVE BAND ANALYZER." An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bands.

"PARKING AREA, PUBLIC." An open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

"PARKING SPACE." A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine feet wide and 20 feet long exclusive of passageways.

"PARTICULATE MATTER." Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

"PLACE." An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

"PLANNING ADMINISTRATOR." The official designated by the Common Council and authorized to enforce this chapter.

"PLAT." A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

"PREMISES." A lot or plat including buildings thereon, if any.

"PRIVATE SCHOOL." Private, primary, grade, high, or preparatory school or academy.

"PROFESSIONAL OFFICE." Office of a member of a recognized profession as defined by the United States Bureau of the Census.

"PROFESSIONAL OFFICE CENTER." An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for

its use as a professional office enterprise, designed to serve residential neighborhoods, and shall conform to the standards and requirements of this chapter.

"PROFESSIONAL OFFICE IN RESIDENCE."

An office in the dwelling of a member of a recognized profession, as defined by the United States Bureau of the Census, provided that the professional service is performed by a member or members of the family occupying such dwelling and that no additional persons are employed in rendering such service, and provided further than not more than 25% of the gross floor area is devoted to such use and provided also that no sign, other than a nameplate attached to the building, not exceeding two square feet in area, is displayed.

"PUBLIC UTILITY INSTALLATIONS."

The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions, or common carriers of underground, surface, or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by public utility or municipal departments, commissions, or common carriers, for the public health, safety, or general welfare.

"RINGELMANN NUMBER."

The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U. S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann 0.

"SHOPPING CENTER."

An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservations and plantations and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities and which conforms to the requirements of this ordinance.

"SIGN." Any advertising sign, billboard, or board, device, or structure, or part thereof, or device attached thereto or painted or

represented thereon, for advertising, display, or publicity purposes. Signs placed or erected by governmental agencies for the purpose of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

"SLOW BURNING" or "INCOMBUSTIBLE."

Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of 1200°F.

"SMOKE." A suspension of fine particles, excluding water droplets, in a gaseous plume, which obscure more or less the transmission of light.

"SMOKE UNIT."

The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

"SPECIAL SCHOOL."

Any school which has as its primary purpose the instruction, care, and rehabilitation of atypical or exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.

"STORY."

That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

"STORY, HALF."

That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half story.

"STREET."

A right-of-way or thoroughfare, other than an alley or place, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

"STRUCTURE."

Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

"STRUCTURAL ALTERATION."

Any change in the supporting members of a building, such as bearing walls or partitions,

columns, beams, or girders, or any substantial change in the exterior walls or the roof.

"SWIMMING POOL, PRIVATE." A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence.

"TOURIST HOME." A building in which one but not more than five rooms are used to provide or offer overnight accommodations to transient guests for compensation.

"TRADE SCHOOL" or "BUSINESS SCHOOL." Secretarial or business school or college when not publicly owned or owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting, or for teaching industrial or technical arts.

"USE." The employment or occupation of a building, structure, or land for a person's service, benefit, or enjoyment.

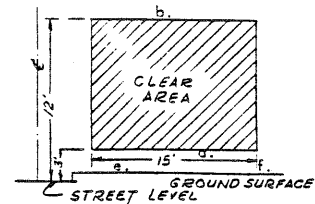
"USE, NONCONFORMING." An existing use of land or building which fails to comply with the requirements set forth in this chapter applicable to the district in which such use is located.

"VARIANCE." A modification of the specific requirements of this chapter granted by the Board in accordance with the terms of this chapter for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

"VIBRATION." Oscillatory motion transmitted through the ground.

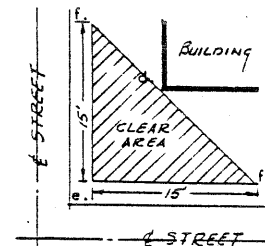
"VISION CLEARANCE ON CORNER LOTS." A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot.

- a. Three feet above established street grade.
- b. 12 feet above established street grade.



VISION CLEARANCE
HORIZONTAL

- c. Point of established street grade.
- d. Diagonal line forming rear line of triangle.
- e. Intersection of right-of-way or property lines.
- f. 15 feet from intersection of right-of-way or property lines.



VISION CLEARANCE
VERTICAL

"YARD." A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided in this chapter.

"YARD, FRONT." A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the front lot line and the building line.

"YARD, REAR." A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30% of the required space, and steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the rear lot line and the rear of the principal building.

"YARD, SIDE." A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally at 90° with the side lot

line, from the nearest part of the principal building, except in cases where irregular or pie shaped lots are located, then the width of the required side yard shall be an average of the width of the area between the side lot line and the principal building measured horizontally at 90° with the side lot line.

"ZONE MAP." A map entitled, "Brazil, Indiana, Zone Map", dated January, 1964.

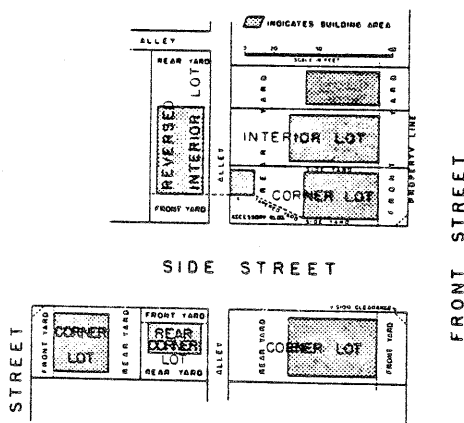


DIAGRAM
ILLUSTRATING APPLICATION OF
CERTAIN DEFINITIONS

(Ord. 12-1964, passed 8-11-64)

§ 156.03 INTERPRETATION.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare. The Commission has given consideration to the existing and future probable use of land in the territory affected by this chapter, and has prepared a Comprehensive Master Development Plan showing the future development of this area, which has served as a guide in the preparation of this chapter.

(Ord. 12-1964, passed 8-11-64)

Cross-reference:

Comprehensive Master Development Plan,
see Ch. 153

§ 156.04 CONFLICTING PROVISIONS

It is not intended by this chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; nor any ordinances, rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued and which are not in conflict with any of the provisions of this chapter; except that, where this

chapter imposes a greater restriction on the use of buildings or land, or requires larger open spaces or greater lot area per family, than are required larger open spaces or greater lot area per family, then are required or imposed by such easements, covenants, or agreements between parties, or by such ordinance, rules, regulations, or permits, the provisions of this chapter shall control. (Ord. 12-1964, passed 8-11-64)

§ 156.05 DISTRICT BOUNDARIES.

(A) In determining the boundaries of districts, and establishing the provisions applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the jurisdiction of the Commission.

(B) Where uncertainty exists as to the exact boundaries of the any district as shown on the Zone Map, the following rules shall apply:

(1) In unsubdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the Zone Map.

(2) In case of further uncertainty, the Board shall interpret the intent of the Zone Map as to the location of the boundary in question. (Ord. 12-1964, passed 8-11-64)

§ 156.06 ANNEXED OR VACATED AREAS.

(A) Territory which may hereafter be annexed to the city shall remain as zoned unless changed by amendment to this chapter.

(B) Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, or similar areas shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area. (Ord. 12-1964, passed 8-11-64)

§ 156.07 USE.

No building or land shall be used and no building shall be erected,

reconstructed, or structurally altered, which is arranged, intended, or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

(Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.08 ENCROACHMENTS.

No building shall be erected, reconstructed, or structurally altered in any manner which will encroach on, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which the building is located.

(Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.09 LOTS.

Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot.

(Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.10 LOADING AND UNLOADING BERTHS.

For each building erected and for certain other uses of land, parking spaces for motor vehicles and loading and unloading berths as specified for the use to which such building or land is to be devoted shall be provided, except that parking spaces may not be required in a block frontage contained in a Business District in which the ground floor area of business or industrial structures, including their accessory buildings, existing at the time of passage of this chapter equalled 50% or more of the entire area of the block frontage.

(Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.11 SURFACING PARKING AREA.

All public parking areas, and all parking spaces required for business, enclosed industrial, or open industrial use, and loading and unloading berths, shall be surfaced with a dustproof and hard surface.

(Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.12 FILING FEES.

Applications and petitions filed pursuant to the provisions of this chapter shall be accompanied by the filing fees hereinafter specified, which

shall be paid to the Planning Administrator who shall forthwith pay over to the Clerk-Treasurer to the credit of the general fund of the city.

(A) For each application for an improvement location permit, a fee of \$10 shall be paid.

(B) For each application for a certificate of occupancy, a fee of \$5 shall be paid.

(C) For each application for the approval by the Board of a special exception, a fee of \$30 shall be paid, except that an application for a shopping center plan, a fee of \$300 shall be paid.

(D) The following fee shall be paid for the following designated categories:

(1) No permit is required for any building under \$500.

(2) All residences, garages, and room additions.

	Fee
\$ 500 to \$ 5,000	\$12
5,000 to 10,000	15
10,000 to 15,000	20
15,000 to 20,000	25
20,000 to 25,000	30
25,000 to 30,000	35
30,000 to 35,000	40
35,000 to 40,000	45
40,000 to 50,000	50

(3) Any building over \$50,000 will be charged a fee at the rate of \$1 per \$1,000.

(4) Mobile homes.	\$40
Swimming pools.	20
Rezoning.	40
New plats or additions.	50

(E) Except for the fee for a certificate of occupancy, no part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.

(Ord. 12-1979, passed 7- -79)

Cross-reference:

Improvement location permits, see Ch. 157

Planning Administrator, see § 31.02

§ 156.13 AMENDMENTS.

All amendments to this chapter shall be in conformance with Sections 64 and 37 through 42 of Chapter 174 of the Acts of the Indiana General Assembly of 1947, and all acts amendatory thereto.

(Ord. 12-1964, passed 8-11-64)

Statutory reference:

Adopting and amending a master plan, see IC 36-7-4-507 through 36-7-4-511

§ 156.14 FARMS EXEMPT.

Land, farm houses, farm barns, farm outbuildings, or other buildings, structures, or erections which are adapted, by reason of nature and area, for use for agricultural purposes, while so used, shall not be affected by restrictions or regulations of this chapter.

(Ord. 12-1964, passed 8-11-64)

§ 156.15 PUBLIC UTILITY INSTALLATIONS EXEMPT.

Structures and land used for public utility installations, while so used, shall not be affected by restrictions or regulations of this chapter. However, power substations, terminal facilities, and treatment or processing plants are contingent uses and are subject to the provisions of this chapter.

(Ord. 12-1964, passed 8-11-64)

§ 156.16 MINERAL EXTRACTION EXEMPT.

(A) For the purpose of this section, "URBAN AREA" shall include any land or lots used for residential purposes where there are eight or more residences within 1/4 mile square area and such other lands or lots as have been or are planned for residential areas contiguous to incorporated cities or towns.

(Ord. 12-1964, passed 8-11-64)

(B) Nothing herein shall prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or alienee thereof.

REGULATIONS

§ 156.20 ESTABLISHMENT OF DISTRICTS AND ZONE MAP.

(A) The territory within the jurisdiction of the City Plan Commission is classified and divided into ten districts designated as follows:

<u>District Designation</u>	<u>Type of District</u>
S	Suburban Residence
R-1	Residence
R-2	Residence
R-3	Residence
T	Transition
LB	Local Business
RB	Roadside Business
GB	General Business
I-1	Open Industrial
I-R	Reserved Industrial

(B) The Zone Map, here made a part of this chapter, shows the boundaries of the area covered by the districts and notations, references, indications, and other matters shown on the Zone Map are as much a part of this chapter as if they

were fully described herein.
(Ord. 12-1964, passed 8-11-64)

Cross-reference:

Zone Map, see Ch. 156, App. J

§ 156.21 RESIDENTIAL USES AND REQUIREMENTS.

(A) The residential uses defined below, including accessory buildings and uses, are permitted in the districts indicated in Appendix A when complying with the requirements listed therein, subject also to the provisions of division (B) herein.

(1) A single-family dwelling is a detached building designed for or occupied by one family, exclusively.

(2) A two-family dwelling is a detached building designed for or occupied by two families, exclusively.

(3) A multi-family dwelling is a building designed for or occupied by three or more families, exclusively.

(B) Other provisions for residential uses are as follows:

(1) Use of existing lots deficient in area or width.

A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was a single parcel in single ownership or a single parcel separately described or included in a deed or plat which was of record in the office of the County Recorder at the time of passage of this chapter, even though the lot does not have the minimum lot width or the minimum lot area specified for the district.

(2) Partial use of alley for yard.

One-half of an alley abutting the rear or the side of a lot may be included in the required rear yard or side yard, respectively.

(3) Accessory building and uses.

(a) Accessory buildings are permitted in all districts, but not prior to the erection of the principal building, except for strictly storage purposes; and not for human occupancy.

(b) No detached accessory building or swimming pool shall be located closer to a side or rear lot line than five feet; nor exceed 18 feet in height, and shall be set back at least 50 feet from the building line.

(c) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, fences, lamp posts, bird baths, and structures of a like nature are permitted in any required yard, and without the issuance of any permit. Fences, latticework screens, hedges, or walls, not more than seven feet in height, and private swimming pools surrounded by a fence at least three and one-half feet high, maintained so as to prevent the intrusion of small children or animals, may be located in the required side or rear yard, in accordance with the provisions of division (B)(3)(b) above; and a hedge or fence, maintained so as not to exceed three and one-half feet in height, may be located in any front yard, except that vision clearance on corner lots shall be provided.

(4) Building lines.

(a) Where 25% or more of the lots in a block frontage are occupied by buildings the average setback of such buildings determines the location of the building line for the block frontage, but the front yard dimension need not exceed 40 feet in any case.

(b) Building lines established in a recorded subdivision shall establish the setback of buildings in such subdivisions, except when such building lines may be less restrictive than provided in this chapter.

(c) On through lots a building line is required on each street.

(5) Tapered yard formula. Where an interior lot fronts on a side street in the rear of a corner lot which interior lot may or may not be separated from the corner lot by an alley, an accessory building located on the rear lot line of the corner lot shall set back from the side street as far as the dwelling on said interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set four inches closer to the front lot line along the side street, but in no case closer than the building setback line along the side street required by this chapter. (Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.22 BUSINESS USES AND REQUIREMENTS.

The business uses defined below are permitted in the districts indicated in Appendix B, when complying with the requirements specified in Appendices B, C, and D, and subject to the provisions of division (D) herein. Roadside business uses are also subject to the provisions of division (E) herein; and

local business uses proposed to be located in the Transitional Business District are also subject to the provisions of division (F).

(A) A local business use is one which is primarily of a retail or service nature and is specifically classified or implied in the following categories of uses:

(1) Automobile service including:

- (a) Filling station.
- (b) Public Garage, but not including major repair or body work.
- (c) Public parking area.
- (d) Sales room.

(2) Business service including:

- (a) Bank.
- (b) Office Building.
- (c) Postal station.
- (d) Telegraph office.
- (e) Telephone exchange.
- (f) Utility company business office.

(3) Clothing service including:

- (a) Laundry agency.
- (b) Self-service laundry or self-service dry cleaning establishment.

(c) Dry cleaning establishment using not more than two clothes-cleaning units, neither of which shall have a rated capacity of more than 60 pounds using cleaning fluids which is nonexplosive and nonflammable.

- (d) Dressmaking.
- (e) Millinery.
- (f) Tailor and pressing shop.
- (g) Shoe repair shop.

(4) Equipment service including:

- (a) Radio and television shop.
- (b) Electric appliance shop.
- (c) Record shop.

(5) Food service including:

- (a) Grocery.
- (b) Meat market.
- (c) Supermarket.
- (d) Restaurant.
- (e) Delicatessen.
- (f) Cold storage lockers, for individual use.
- (g) Bakery, provided floor area used for production shall not exceed 750 square feet.
- (h) Roadside sales stand.
- (6) Personal service including:
 - (a) Barber shop.
 - (b) Beauty shop.
 - (c) Reducing salon.
 - (d) Photographic studio.
- (7) Retail service, retail stores generally including:
 - (a) Drug store.
 - (b) Hardware or paint store.
 - (c) Stationer.
 - (d) Newsdealer.
 - (e) Showroom and sales area for articles to be sold at retail.
 - (f) Commercial greenhouse not exceeding 1,000 square feet in area.
 - (g) Apparel shop.
 - (h) Flower shop.
 - (i) Antique shop.
 - (j) Shoe store.
 - (k) Variety store.
 - (l) Toy store.
 - (m) Jewelry store.
- (8) Business recreational uses including:
 - (a) Billiard room.
 - (b) Dancing academy.
 - (c) Tavern or night club, only in conformity with requirements of laws or ordinances governing such use.

(9) Private club or lodge..

(10) Advertising sign or billboard.

(11) Accessory building or use customarily incidental to the above uses which may not have more than 40% of floor area devoted to storage purposes, and provided that not more than five persons are employed at one time or on any one shift in connection with such incidental use.

Local business uses, divisions (2) through (9) and (11), shall be conducted within buildings so constructed that no noise of any kind produced therein by the business operations shall be audible beyond the confines of the building.

(B) A roadside business use is one which normally requires drive-in facilities related to a street or highway, and is primarily of a retail or service nature and includes storage warehouse and wholesale establishments and enclosed industrial use, specifically stated or implied in the following categories:

- (1) Local Business uses.
- (2) Automobile, truck or trailer rental and sales area.
- (3) Automobile and truck repair, entirely within enclosed buildings.
- (4) Indoor theater.
- (5) Bowling alley or roller rink, entirely within enclosed buildings.
- (6) Department store.
- (7) Hotel or motel.
- (8) Veterinary hospital for small animals.
- (9) Kennel.
- (10) Radio and television studios.
- (11) Newspaper publishing.
- (12) Motor bus or railroad passenger station.
- (13) Storage warehouse.
- (14) Wholesale establishment.
- (15) Any business use not specifically stated or implied elsewhere in this chapter.
- (16) Accessory buildings or use customarily incidental to the above uses.

(C) A general business use including accessory buildings and uses includes the uses, specifically stated or implied, as follows:

- (1) Local business uses.
- (2) Roadside business uses.
- (3) Storage warehouse.
- (4) Wholesale establishment.
- (5) Any business use not specifically stated or implied elsewhere in the chapter.

(6) Accessory buildings or use customarily incidental to the above uses.

(D) Other provisions and requirements for business uses are as follows:

- (1) Parking spaces shall be provided on the lot, or as a special exception within 300 feet thereof, as indicated in Appendix D.
- (2) Loading and unloading berths shall be provided on the lot as indicated in Appendix C.
- (3) Parking spaces may not be required in a block frontage contained in a Business District in which the ground floor area of business or industrial structures, including their accessory buildings, existing at the time of passage of this chapter, equalled 50% or more of the entire area of the block frontage.
- (4) Groups of uses requiring parking space may join in establishing private parking area with capacity aggregating that required for each participating use.
- (5) One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.
- (6) Where 25% or more of the lots in a block frontage are occupied by buildings, the setback of such buildings shall determine the location of the building line, except for the Roadside Business District.
- (7) Loading and unloading berths shall not be required for business uses which demonstrably do not receive or transmit goods or wares by truck delivery.
- (8) Parking spaces and accessory uses are permitted in the required front yard in the Local Business District, on lots where business is located.

(E) Additional provisions for roadside business uses are as follows:

- (1) On a through lot, front yards shall be provided on each street.
- (2) A planting screen consisting of suitable shrubbery, either formally or informally planted so as to provide a year-round screen, maintained at a minimum height of six feet, shall be planted in the front yard wherever a Roadside Business District Use adjoins or is across the street from a Residence District or land being used for residential purposes.
- (3) Off-street parking spaces and accessory uses such as filling station pumps and light standards, may be located in the required front yard, but not within 20 feet of land which is used for or zoned for residential use.
- (4) Where a Roadside Business District use adjoins a Residence District or land being used for residential purposes, the side yard dimension shall be 20 feet, and a planting screen consisting of suitable shrubbery, either formally or informally planted so as to provide a year-round screen maintained at a minimum height of six feet shall be provided.
- (5) On a corner lot, the side yard dimension shall be 60 feet along the side street line, and off-street parking space is permitted in such a side yard.
- (6) Roadside business uses shall be conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.
- (7) Roadside business uses shall not include open storage use on the lot, except for the temporary storage of automobiles or trailers for retail sale on a lot devoted to open automobile or trailer sales area use, and for the temporary parking of vehicles in off-street parking space permitted for such use.
- (8) The front yard shall be maintained as a lawn which may include landscape plantations.
- (9) The emission of smoke, dust, gas, fumes, odors, noise, or vibrations, which is noxious or offensive, in the judgment of the Planning Administrator, beyond the confines of the building, is not permitted.
- (F) Procedure for making application for local business uses in the Transition District. When application is made for a local business use within a Transition

District, and when such application is accompanied by written approval of the owner or owners of at least 75% of the total area of the entire block frontage involved, the Planning Administrator shall issue an improvement location permit for local business use provided the application also meets the additional requirements of this chapter. (Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.23 SHOPPING CENTER PLAN.

A shopping center plan may be permitted by the Board as a special exception, and subject to compliance with the following requirements and procedure in accordance with § 156.26.

(A) The local business uses in § 156.22, also a bowling alley or a roller rink and department stores, are permitted on a tract of land proposed for a shopping center, provided that the proposed plan includes at least four separate types of business uses as are specifically classified or implied in the local business use categories in § 156.22, and provided further that not more than one of which shall be an automobile service, as set forth in § 156.22.

(B) The tract of land proposed for a shopping center plan shall be of an area of not less than ten acres and the tract shall have a reasonable configuration for its intended uses.

(C) The Board may order an improvement location permit issued for a shopping center plan in accordance with the procedure and provisions of this chapter and on an affirmative finding by the Board that the following requirements have been met by the owner or developers of the tract of land proposed for a shopping center plan.

(1) A market analysis.

(a) To determine the number, size, and type of stores which could be expected to operate with a reasonable margin of profit in the proposed center.

(b) To evidence the advisability of locating the proposed center (where the developers propose to locate it) so as to serve an existing and potential customer demand.

(2) Financial report. To include a statement of financial responsibility which demonstrates the ability of the developer of the center to proceed with and complete construction and development.

(3) Development plan to include the following additional requirements:

(a) A plan of landscape development which shall include, among other considerations, an area of at least ten feet in width along all streets, with the exception of approved entrances, which border the proposed center, to be planted and maintained with trees and shrubbery to serve as a screen for the parking area.

(b) A planting screen, consisting of suitable shrubbery, maintained at a six foot height by six foot width, to be planted wherever the proposed center would abut residential use.

(c) Provision for one off-street parking space, at least 270 square feet in area, for each 60 square feet of sales area in the center.

(d) No buildings or paved areas (other than access drives) may be located closer than 50 feet to any area used or zoned for residential purposes, in order to create a greenbelt, and such greenbelt shall be maintained as lawn together with appropriate landscape development and screen planting hereinbefore specified.

(e) An adequate number and proper arrangement of loading and unloading berths shall be shown in the development plan and provided by the developer.

(4) Other authority approval. Any other authority approval required when applicable, such as State Board of Health or State Highway Department, shall accompany the application.

(5) Outdoor signs and lighting. The location, effect, and arrangement of all outdoor advertising signs proposed to be erected shall be subject to the approval of the Board.

(6) Architectural control. Architectural plans of the building and structures proposed to be constructed shall be subject to the approval of the Board. The Board's approval shall be based on the architectural plans creating a unified design which will be in character and proper relationship to the surrounding areas. (Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.24 INDUSTRIAL USES, STANDARDS, AND REQUIREMENTS.

The industrial uses defined below, including accessory buildings and uses, are permitted in the districts indicated in Appendix E, in accordance with the

requirements of this section. No activity involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Council. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshal. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35%; and nuclear fuels, fissionable materials and products; and reactor elements such as Uranium 235 and Plutonium 239. No activity involving the storage, utilization, or manufacture of materials or products which contain arsenic, cyanide, warfarin, strychnine or other poisonous substances shall be permitted unless specifically approved by the Council. The restrictions of this section shall not apply to the activities of the site preparation or construction, maintenance, repair, alteration, modification, or improvement of buildings, equipment, or other improvements on or within the lot line; the operation of motor vehicles or other facilities for the transportation of personnel, materials, or products; conditions beyond the control of the user such as fire, explosion, accidents, failure, or breakdown of equipment or facilities or emergencies; or safety or emergency warning signals or alarms necessary for the protection of life, limb, or property.

(A) An enclosed industrial use is one which is conducted entirely with enclosed buildings of any size provided they meet the yard requirements and conform to the standards in division (C), below.

(B) An open industrial use is one which requires both buildings and open area for manufacturing, fabricating, processing extraction, heavy repairing, dismantling, storage, or disposal of equipment raw materials, manufactured products or wastes; and land or buildings in the district permitting an open industrial use; and shall be used so as to comply to the standards in division (C).

(C) Standards for enclosed and open industrial uses.

(1) Smoke.

(a) For enclosed industrial use the emission of more than 70 smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one hour during any 24-hour period, this rate may be increased to 80 smoke units per stack up to and including Ringelmann No. 3 for the purging, soot blowing, and fire cleaning.

(b) For open industrial use the emission of more than 90 smoke units per hour per stack and emission in excess of Ringelmann No. 3 are prohibited, except that for a one hour period during the 24 this rate may be increased to 120 smoke units per hour per stack, still at Ringelmann No. 3, for purposes of process purging, soot blowing, and fire cleaning.

(2) Particulate matter. The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds per 1,000 pounds of effluent gas for enclosed industrial use, nor 0.2 pounds per 1,000 pounds of effluent gas for open industrial use. For enclosed industrial use and open industrial use not more than 50% by weight of particles larger than 44 microns (325) mesh shall be allowed.

(3) Odor. Any enclosed or open industrial use activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest Residence or Suburban Residence District boundary line.

(4) Poisonous and injurious fumes and gases. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:

(a) The emission from any source shall not cause at or beyond any lot line, concentrations of toxic or injurious fumes and gases in excess of 10% for an enclosed industrial use, and 25% for an open industrial use, of the threshold limit as set for the fume or gas in question in the latest issue of "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists.

(b) The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or

endanger public health, safety, comfort, and welfare or shall cause injury or damage to property or business is prohibited.

(5) Glare and heat. No enclosed or open industrial use operation, activity, or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any Residence, Suburban Residence, Transition, or Business District boundary.

(6) Vibration.

(a) Any enclosed or open industrial use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a Residence or Suburban Residential District boundary at least 250 feet, or at least 150 feet, from a Business District boundary.

(b) Earth-shaking vibrations at the industrial property line shall not be in violation of this chapter as long as the vibration is not perceptible without the aid of instruments.

(7) Noise. At no point 125 feet from the boundary of a Reserved Industrial District, or any district which permits an enclosed industrial use, shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this ordinance) exceed the decibel limits in the octave bands designated below:

ENCLOSED INDUSTRIAL USE

Octave Band Frequency (Cycles Per Second)			Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence or Suburban District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District Boundaries
0	to	75	75	80
75	to	150	70	75
150	to	300	65	70
300	to	600	59	64
600	to	1200	53	58
1200	to	4800	48	53
2400	to	4800	48	49
Above		4800	41	46

At no point 125 feet from the boundary of an Open Industrial District, shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this chapter) exceed the decibel limits in the octave bands designated below:

OPEN INDUSTRIAL USE

Octave Band Frequency (Cycles Per Second)			Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence or Suburban District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District Boundaries
0	to	75	75	81
75	to	150	70	76
150	to	300	66	72
300	to	600	62	68
600	to	1200	57	63
1200	to	2400	53	59
2400	to	4800	49	55
Above		4800	45	51

Sound levels shall be measured with a sound level meter and associated octave band analyzer or filter, manufactured in compliance with standards prescribed by the American Standards Association.

(8) Fire hazards. The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following conditions are met:

(a) For enclosed industrial use and open industrial use said materials shall be stored, utilized, and manufactured in such a manner and protected by the means as approved by the Indiana State Fire Marshal.

(b) For enclosed industrial use and open industrial use the storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted in accordance with the following table (exclusive of storage of finished products in original sealed containers). Distances shown are to nearest adjoining property lines which may be built on.

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantities listed.

FLAMMABLE LIQUID STORAGE

Capacity of Tank (Gallons)	Class* of Flammable Liquid	Distance (Feet)
0 to 275	III	0
275 to 750	III	5
0 to 750	I & II	10
751 to 12000	III	10
751 to 12000	I & II	15
12001 to 24000	I, II, III	15
24001 to 30000	I, II, III	20
30000 to 50000	I, II, III	25

Tanks in excess of 50,000 gallons, and those for storage of Crude Petroleum shall be at a distance of three times the greatest dimension of the diameter or height of tank, except that distance shall not be less than 20 feet and need not exceed 350 feet.

*N.F.P.A. Classes of Flammable Liquids
Class I Flash Point below 20°F.
Class I Flash Point below 70°F.
Class III Flash Point above 70°F.

(D) Other provisions and requirements for enclosed industrial use and open industrial use are as follows:

(1) Each use shall provide one parking space for each two employees, on combined employment of the two largest successive shifts, located on the same lot as the use, or as a special exception within 300 feet thereof.

(2) Groups of uses requiring parking space may join in establishing a private parking area with capacity aggregating that required for each participating use.

(3) Each use shall provide loading and unloading berths, located on the same lot as the use, as specified in Appendix F.

(4) The disposal of wastes discharge into public streams and sewage systems shall meet the requirements of the Stream Pollution Control Law of the State of Indiana (Chapter 214, Acts of 1943, as amended).

Statutory reference:

Pollution control, see IC 13-1-3-1 et seq.

(5) One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

(6) In all districts permitting enclosed industrial use or open industrial use, it is permissible to erect more than one principal building devoted to enclosed industrial use or open industrial use on a lot.
(Ord. 12-1964, passed 8-11-64; Am. Ord. 10-1980, passed 6-9-80) Penalty, see § 156.99

§ 156.25 CONTINGENT USES AND REQUIREMENTS.

Contingent uses, including accessory buildings and uses, are permitted in the districts indicated in Appendix G, subject to the provisions herein.

(A) A contingent use is one which is likely or liable, but not certain, to

occur and which is not inappropriate to the principal uses of the district in which it may be located. When so located it shall conform to the requirements of the district in which the contingent use is permitted, except that the number of parking spaces to be provided shall conform to the requirements of Appendix G. The required number of parking spaces shall be provided on the same lot with the use, or as a special exception within 300 feet thereof.

(B) A church or temple requiring parking area at times when nearby uses do not need their parking facilities, may by agreement approved by the Board, utilize such facilities in lieu of providing their own parking facilities.

(C) An existing use which is included herein as a contingent use, and which is located in a district in which such contingent use is permitted, is a conforming use. Any expansion of such contingent use involving the enlargement of the buildings, structures, and land area devoted to such use shall be subject to the requirements of this section.
(Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.26 SPECIAL EXCEPTIONS.

(A) The special exceptions listed in Appendix I and their accessory buildings and uses may be permitted by the Board in the districts indicated therein, in accordance with the procedure set forth in this section and the requirements listed in Appendix I.

(B) Special exceptions are uses publicly operated and those uses traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact on neighboring property and public facilities.

(C) On receipt of an application for an improvement location permit for a special exception by the planning administrator it shall be referred to the Board. A copy of each application shall be referred concurrently to the Commission. The Board shall then proceed with a hearing.

(D) On such hearing, if the Board finds that:

(1) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.

(2) The special exception will not be injurious to the use and enjoyment

of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property value within the neighborhood.

(3) The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(4) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

(5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(6) (a) The special exception will be located in a district where such use is permitted and that all other requirements set forth in Appendix I applicable to such special exception will be met.

(b) The Board shall direct the Building Inspector to issue the improvement location permit for such special exception, otherwise the Board shall direct the Planning Administrator to reject the application. The findings of the Board and its order to the Planning Administrator shall be in writing.

(E) An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a conforming use. Any expansion of such special exception involving the enlargement of buildings, structures, and land area devoted to such use, shall be subject to the requirements and procedure described in this section.

(F) Any person, to whom is issued an improvement location permit for a special exception which fails to commence construction within one year after such permit is issued, or who fails to carry to completion the total development plan thereof within three years after such construction is begun, whichever is later, or who fails to conform to the provisions of the development plan and supporting data finally approved by the Board and on the basis of which such improvement location permit was issued, may be required by the Board on its own motion, and shall be required by the Board on written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such improvement location permit revoked.

(G) The holder of an improvement location permit for a special exception may apply to the Board at any time for an alteration, change, amendment, or extension of the application or development plan on which such permit was based.

(1) On receipt of such application, the board shall proceed as in the case of original applications for an improvement location permit for a special exception.

(2) In the event the Board shall approve and order such application or development plan changed, altered, amended, or extended, it shall notify the Planning Administrator who shall issue an amended improvement location permit accordingly.
(Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.27 NONCONFORMING USE.

The lawful use of a building or premises, existing at the time of the passage of this chapter, may be continued although such use does not conform to all the provisions of this chapter, subject to the following conditions:

(A) A nonconforming use may be extended throughout a building provided the size of the structure is not increased.

(B) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided the size of the structure is not increased.

(C) Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted district.

(D) No building shall be erected on any premises devoted to a nonconforming use, except in conformance with the provisions of this chapter.

(E) The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of said district.

(F) Nothing herein contained shall require any change in the plans, construction, or designated use of a building for which a building permit has been heretofore issued, or the

construction of which has been diligently prosecuted within 90 days of the date of such permit or from the date of passage of this chapter and which entire building shall be completed according to such plans filed within three years from the date of passage of this chapter.

(G) In the event that a nonconforming use of any building or premises is discontinued for a period of two years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

(H) These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this chapter.
(Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

§ 156.28 ADMINISTRATION.

The Planning Administrator is designated and authorized to enforce this chapter.

(A) Any person, who shall make application for an improvement location permit shall, at the time of making such application, furnish a site plan or development plan of the real estate on which said application is made at least five days prior to the issuance of said improvement location permit, which five days may be waived by the Planning Administrator. The site plan shall be drawn to scale showing the following items, both existing and proposed:

(1) Legal or site description of the real estate involved.

(2) Location and size of all buildings and structures.

(3) Width and length of all entrances and exits to and from said real estate.

(4) All adjacent and adjoining roads or highways.

(B) An application for an improvement location permit for any enclosed industrial use or open industrial use, subject to the provisions of § 156.24 and Appendix E, shall be accompanied by a certificate of compliance subscribed by a registered professional engineer or architect, certifying that the use intended will satisfy the standards of the enclosed industrial use or open industrial use, as the case may be, and in the district in which it is to be located. The Planning Administrator may take ten days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten day period, the Planning Administrator

has not required any additional information or stated any objections in writing, the Planning Administrator shall issue the improvement location permit.

(C) Site plans or development plans so furnished shall be filed and shall become a permanent public record.

(D) The Planning Administrator shall issue an improvement location permit for a special exception only following receipt of notice from the Board that the application therefor has been approved by the Board.

(E) (1) No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued stating that the building and use comply with all of the provisions of this chapter applicable to the building or premises or the use in the district in which it is to be located.

(2) When the improvement covered by the improvement location permit has been completed in substantial conformity with the site plan or development plan submitted in the application pursuant to division (A) of this section, a certificate of occupancy shall then be issued.

(F) No change shall be made in the use of land, except as provided in this chapter, the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a certificate of occupancy having been issued by the Planning Administrator and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this chapter.

(G) A certificate of occupancy shall be applied for coincidentally with the application for an improvement location permit and shall be issued within ten days after the lawful erection, reconstruction, or structural alteration of such building or other improvement of the land shall have been completed.

(H) A record of all certificates of occupancy shall be kept on file in the office of the Planning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(I) No improvement location permit shall be issued for excavation for or the erection, reconstruction, or structural alteration of any building, before application has been made for a certificate of occupancy.

(J) An application for an improvement location permit for any use shall not be approved until it has been ascertained by the Planning Administrator that the proposed use and minimum lot size and width meets the minimum standards for a sewage disposal system as required by the City or County Health Officer.

(K) The work or use authorized by any improvement location permit, certificate of occupancy, or permit for a variance, contingent use or other permit, except for a special exception, must be commenced within six months of the date of issuance of such certificate or permit, otherwise the same shall lapse and be and become null and void. All work so authorized shall be completed within two years from the issuance of the certificate or permit therefor, except for a special exception, and provided that for good cause shown the Planning Administrator may extend the work completion time.
(Ord. 12-1964, passed 8-11-64) Penalty, see § 156.99

Cross-reference:

Planning Administrator, see § 31.02

§ 156.29 BOARD OF ZONING APPEALS.

A Board of Zoning Appeals is established with membership and appointment provided in accordance with Sections 66 through 69 of Chapter 174 of the Acts of Indiana General Assembly of 1947 and all acts now or hereafter amendatory thereto.

(A) At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.

(B) The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this chapter.

(C) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting on each question. All minutes and records shall be filed in the office of the Board and shall be a public record.

(D) Any decision of the Planning Administrator in the enforcement of this chapter may be appealed to the Board by any person claiming to be adversely affected by such decision.

(E) The Board shall have the following powers and it shall be its duty to:

(1) Hear and determine appeals from and review any order, requirement, decision, or determination made by the Planning Administrator in the enforcement of this chapter.

(2) Permit and authorize exceptions to the district regulations only in the classes of cases or in particular situations as specified in the section.

(3) Hear and decide on permits for special exceptions, development plans or other uses on which the Board is required to act under this chapter.

(4) Authorize on appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done.

(F) In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the Planning Administrator from whom the appeal is taken.

(G) Every decision of the Board shall be subject to review by certiorari.

(H) No variance in the application of the provisions of this chapter shall be made by the Board relating to buildings, lands, or premises now existing or to be constructed, unless after a public hearing, the Board shall find:

(1) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.

(2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question.

(3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement

in such vicinity and district in which the property is located.

(4) That the granting of such variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements, or increase the congestion in the public streets.

(Ord. 12-1964, passed 8-11-64)

Statutory reference:

Board of Zoning Appeals, see

IC 36-7-4-901 through 36-7-4-907

§ 156.98 ENFORCEMENT.

(A) The Commission, the Board, the Planning Administrator, or any designated enforcement official or any person, firm, or corporation, jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of Clay County to restrain an individual or a governmental unit from violating the provisions of this chapter.

(B) The Commission or the Board may also institute a suit for mandatory injunction directing any individual, corporation, or a governmental unit to remove a structure erected in violation of the provisions of this chapter.

(C) Any building, erected, raised, or converted, or land or premises used in violation of any provisions of this chapter is declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law. (Ord. 12-1964, passed 8-11-64)

§ 156.99 PENALTY.

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not less than \$10 nor more than \$300. A separate offense shall be deemed committed on each day that a violation occurs or continues. (Ord. 12-1964, passed 8-11-64)

APPENDIX A: RESIDENTIAL USES AND REQUIREMENTS.

REQUIREMENTS	TYPE OF RESIDENTIAL USE		
	Single-Family Dwelling	Two-Family Dwelling	Multi-Family Dwelling
District in which use is permitted.	S, R-1, R-2, R-3, T, LB, GB, RB, and IR	S, R-2, R-3, T, GB, and IR	R-3, T, and GB
Minimum lot size in square feet per dwelling unit in districts indicated.	R-2, R-3, T, GB LB	5,000 7,000 R-2 R-3, T, and GB 2,500	R-3, T, and GB 1,500
Minimum lot size in square feet per dwelling unit in districts where the following utility systems are installed and utilized: (A) Approved sanitary system (B) Approved public or community water supply system	S, R-1, RB, and IR 7,000	S and IR 7,000	
In the absence or nonutilization of any of the above described utility systems, (A) and (B), add the following area in square feet per dwelling unit to the minimum lot size in districts indicated as follows.	S, R-1, and IR (A) (B)	3,500 3,500	S, RB, and I-2 (A) (B) 1,750 1,750
Minimum lot width in feet in districts indicated.	R-2, R-3, T, and GB LB	50 60	R-2, R-3, T, and GB 50 R-3, T, and GB 50
Minimum lot width in feet per dwelling unit in the districts indicated when the following utility systems are installed and utilized: (A) Approved sanitary sewer system (B) Approved public or community water supply system	S, R-1, RB, and IR 60	S and IR 45	
In the absence or nonutilization of any of the above described utility systems, (A) and (B), add the following width in feet per dwelling unit to the minimum lot width per dwelling unit in districts indicated as follows.	S, R-1, and IR (A) (B)	15 15	S and IR (A) (B) 7-1/2 7-1/2
Maximum building height in feet and stories in districts indicated.	S, R-1, RB and IR or 2 stories R-2, R-3, T and GB or 2-1/2 stories	25 35	S and IR or 2 stories R-2, R-3, T and GB 35 or 2-1/2 stories R3 and T or 2-1/2 stories stories GB 80 or 7 stories
Minimum front yard in percent of average depth of lots in block.	20.	20.	20.

REQUIREMENTS	TYPE OF RESIDENTIAL USE		
	Single-Family Dwelling	Two-Family Dwelling	Multi-Family Dwelling
Minimum side yard (one).	10% of the required lot width.	10% of the required minimum lot width.	10% of the required minimum lot width.
Minimum side yards (both or two) in percent of lot width.	20.	20.	20.
Minimum rear yard in feet.	20.	20.	20.
(Minimum ground floor area in square feet in districts indicated.)	<u>One Story</u> R-2, R-3, T and GB 720 S, R-1, LB, RB, and IR 846 <u>Over One Story</u> S, R-1, LB, RB, and TR 720 R-2, R-3, T, and GB 650	<u>One Story</u> S and IR 1,200 R-2, R-3, T and GB 720 <u>Over One Story</u> S and IR 720 R-2, R-3, T and GB 650	R-3, T, and GB 720
Number of vehicle parking space to be provided on the lot.	One.	Two.	One per each dwelling unit.
Vision clearance on corner lot.	Yes.	Yes.	Yes.
(Ord. 12-1964, passed 8-11-64)			

APPENDIX B: BUSINESS USES AND REQUIREMENTS.

REQUIREMENTS	TYPE OF BUSINESS USE			
	Local Business	General Business	Roadside Business	
Districts in which use is permitted.	LB, T, GB, RB, and I-1	GB, RB, and I-1	RB	
Minimum front yard in feet in districts indicated.	T 25 LB and I-1 15 GB None RB 75	GB None RB 75 I-1 15	RB	75
Minimum side yard in feet along the side street line of a corner lot where block is adjoined by a Residential District.	LB, T, GB, and I-1 5 RB 10	GB and I-1 5 RB 10	RB	10
Minimum side yard in feet where a Business District adjoins a Residential District within the block.	LB, GB, and I-1 5 RB 10	GB and I-1 5 RB 10	RB	10
Minimum side yard in blocks not including a Residential District.	LB, GB, and I-1 None T and RB 5	GB and I-1 None RB 5	RB	5
Maximum building height in feet in districts indicated.	LB, T, RB, and I-1 35 or 2-1/2 stories GB 100 or 8 stories	GB and I-1 100 or 8 stories RB 35 or 2-1/2 stories	RB 35 2-1/2 stories	
Minimum rear yard in feet.	GB 10 LB, T, RB, and I-1 15	GB and I-1 10 RB 15	RB	15
Vision clearance on corner lots.	LB, T, and RB Yes GB and I-1 No	RB Yes GB and I-1 No	RB	Yes

(Ord. 12-1964, passed 8-11-64)

APPENDIX C: BUSINESS USES; LOADING AND UNLOADING BERTHS.

TYPE OF USE	GROSS FLOOR AREA (Sq. Ft.)	LOADING & UNLOADING BERTHS REQUIRED
Retail stores.	3,000 to 15,000.	1
Department stores.	15,000 to 40,000.	2
Wholesale establishments, storage uses and other business uses.	Each 25,000 additional.	1 additional.
Office buildings.	100,000 or less.	1
	100,001 to 336,000.	2
	Each 200,000 additional.	1 additional.
(Ord. 12-1964, passed 8-11-64)		

APPENDIX D: BUSINESS USES; PARKING SPACES REQUIRED.

TYPE OF USE	NUMBER OF PARKING SPACES REQUIRED
<u>Local Business Uses</u> listed in the following divisions of § 156.22.	
Divisions (A) (1) (d) and divisions (A) (2) through (7) and (8) (c).	One for each 125 square feet of floor area.
Divisions (A) (8) (a) and (b).	One for each 200 square feet of floor area.
Divisions (A) (9).	Space to accommodate 50% of the active membership at one space per each three members, or as determined by the Board. The determination shall be based on the expected number of parking spaces the particular lodge or club use would require to satisfy estimated peak parking load requirements.
<u>Roadside Business Uses</u> listed in the following divisions of § 156.22.	
Division (B) (3).	One for each 200 square feet of floor area.
Division (B) (4).	One for each six seats.
Division (B) (5).	Three for each lane plus one for each six spectator seats.
Division (B) (6).	One for each 200 square feet of floor area.
Division (B) (7).	One for each three employees plus one for each unit.
Division (B) (8) and (9).	One space for each three animals to be confined in temporary or permanent pens or cages.
Division (B) (10).	One per employee, plus one for each six seats in main auditorium.
Division (B) (11).	One per employee on largest shift.
Division (B) (12).	One for each three employees plus one for each ten seats in waiting room. Other retail uses in connection therewith shall provide one space for each two employees.
Division (B) (13) and (14).	One for each three employees or occupants. The maximum number of employees or occupants to be used in determining spaces.
Division (B) (15).	As determined by the Board. The determination shall be based on the expected number of parking spaces the particular type of business use would require to satisfy estimated peak parking load requirements.

(Ord. 12-1964, passed 8-11-64)

APPENDIX E: INDUSTRIAL USES AND REQUIREMENTS.

REQUIREMENT	TYPE OF USE	
	ENCLOSED INDUSTRIAL	OPEN INDUSTRIAL
Districts in which use is permitted.	RB, GB, I-1 and IR	I-1
Minimum front yard in feet.	RB and IR 75 GB None I-1 25	I-1 15
Minimum side yard and rear yard required in feet when district indicated abuts or adjoins (or is within) a GB, T, RB, I-1, or IR District.	GB 5 RB 10 I-1 and IR 20	I-1 20
Minimum side yard in feet, if provided.	5.	5.
Vision clearance on corner lots.	GB and I-1 No RB and IR Yes	Yes.
Maximum building height in feet and stories in districts indicated.	GB and I-1 100 or eight stories RB and IR 35 or 2-1/2 stories	I-1 100 feet or eight stories
Minimum rear yard in feet.	15.	15.

(Ord. 12-1964, passed 8-11-64)

APPENDIX F: INDUSTRIAL USES; LOADING AND UNLOADING BERTHS.

GROSS FLOOR AREA OF INDUSTRIAL USE IN SQUARE FEET	NUMBER OF BERTHS REQUIRED
15,000 or less	1
15,001 to 40,000	2
40,001 to 100,000	3
Each 40,000 additional	1 additional

(Ord. 12-1964, passed 8-11-64)

APPENDIX G: CONTINGENT USES AND REQUIREMENTS.

TYPE OF USE	DISTRICTS IN WHICH USE IS PERMITTED	NUMBER OF PARKING SPACES TO BE PROVIDED
Boarding or lodging house.	All, except S, R-1, R-2, RB and IR	One for each three occupants.
Church or temple.	All, except I-1.	One for each six seats in main auditorium.
Educational institution.	All, except I-1.	One for each three members of staff plus one for each eight seats in auditorium.
Greenhouse, but not including retail sales, provided that a greenhouse shall not be less than 150 feet in distance from every lot line.	All.	None required.
Home occupation.	All.	One additional.
Lodge or private club (which is of a non-commercial character).	All, except S, R-1, R-2, and IR.	One for each 125 square feet floor area of buildings.
Mortuary.	All, except S, R-1, R-2, and IR.	One for each six seats in main auditorium.
Municipal or governmental building.	All.	One for each 125 square feet floor area of buildings.
Power substation or telephone exchange.	All.	One per two employees or combined employment of the two largest successive shifts.
Public utility installation terminal facility.	I-1 and IR	One per two employees or combined employment of the two largest successive shifts.
Professional office in residence.	All.	Two additional.
Temporary sign, pertaining to lease, hire, or sale of a building or premises.	All.	Not applicable.
Sewage treatment or disposal plant.	All.	One per two employees or combined employment of the two largest successive shifts.

(Ord. 12-1964, passed 8-11-64)

APPENDIX H: CONTINGENT USES; MAXIMUM HEIGHT.

DISTRICTS IN WHICH USE IS PERMITTED	MAXIMUM BUILDING HEIGHT IN FEET
S, R-1, RB, and IR R-2, R-3, LB, and T GB and I-1	25 feet or 2 stories. 35 feet or 2-1/2 stories. 60 feet or 5 stories.

(Ord. 12-1964, passed 8-11-64)

APPENDIX I: SPECIAL EXCEPTIONS AND REQUIREMENTS.

SPECIAL EXCEPTIONS	DISTRICTS IN WHICH USE MAY BE PERMITTED	REQUIREMENT DESIGNATION
Airport.	S, I-1, and IR.	a11, d, g1, h1, i13, j, k, m1
Heliport.	All.	a10, d, g4, i13, j, k, m1
Artificial lake of three or more acres.	S, R-1, I-1, and IR.	g1, j, m6
Cemetery.	S and I-R.	a12, f, h1, j, k, m1
Commercial farm enterprise.	All.	j
Country club or golf course.	All.	a1, i14, j, k, m1
Hospital.	All except I-1.	a4, b3, f, i5, j, m3
Junk yard.	I-1.	b2, d, g3 or g5, i6, k, m1
Mobile home park.	All, except R-1 and R-2.	a5, b3, f, h1, i8, j, k, m1
Nursing home.	All, except R-1 and R-2.	a7, b5, e2, f, h1, i10, j, m1
Nursing home conversion.	R-3, T, LB, GB, and RB	a9, b5, c2, f, h1, i10, m1
Outdoor commercial enterprise.	All, except R-1, R-2, R-3, and T.	b2, c1, f, g1, h1, i9, j, k, m1
Outdoor theater.	S, RB, I-1, and IR.	b4, g4, j, k, m3
Penal or correctional institution.	I-1.	a12, b4, d, g5, i15, j, m3
Private recreational development.	All.	b2, f, h1, i15, j, k, m1
Private school, including kindergarten or day nursery.	All, except R-1, R-2, and I-1.	a8, b5, e2, g2, i7, j, k, m1
Produce terminal wholesale, or truck freight terminal.	GB, RB, I-1, and IR.	a6, b4, f, h1, i6, j, k, m5
Professional office center.	All, except S, R-1, and IR.	a1, b5, c2, f, h1, i2, j, k, m1
Public camp.	All, except S and IR.	a4, b4, d, j, k, m1
Public or commercial sanitary fill.	All.	g4, m6
Public or employee parking areas.	All.	a2, j, k, l, m6
Public park or public recreational facility.	All.	f, j, k, m1
Radio or television tower.	All.	d, j, k, m2
Raising and breeding of nonfarm fowl and animals, commercially, except kennel.	GB, RB, I-1, and R-2	a10, b4, d, m1
Refuse dump.	S, I-1, and F-2	a4, d, g1, m6

SPECIAL EXCEPTIONS	DISTRICTS IN WHICH USE MAY BE PERMITTED	REQUIREMENT DESIGNATION
Shopping center plan.	All, except R-1.	See Section 4
Special school.	LB, T, GB, RB, and I-1	a8, b5, g2, i3, m1
Stadium or coliseum.	All.	a4, b3, f, h1, i11, j, k, m4
Tourist home.	All, except S, R-1, R-2, IR, and I-1	a1, b1, e1, i12, k, m4

If the nature of the Special Exception involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the Special Exception which most closely relates to the primary use; provided that the requirements of all the related uses will be met.

NOTE: Use of # Symbol in the Figure indicates that the requirements of the District apply to the Special Exception where located.

Reqmt. Desig.	REQUIREMENT	Reqmt. Desig.	REQUIREMENT
a.	Minimum Lot Area or Tract Area.	i.	Number of Parking Spaces Required.
1.	#	1.	#
2.	1500 sq. ft.	2.	3 per prof. person plus 1 per each employee
3.	25,000 sq. ft.	3.	1 per 3 employees plus 1 per 6 students
4.	5 acres	4.	1 per 3 employees plus 1 per 125 square feet of sales area
5.	2 acres including 2500 sq. ft. per mobile home stand	5.	1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
6.	6 acres	6.	1 per 2 employees on largest shift
7.	15,000 sq. ft. but not less than 1500 sq. ft. per person cared for	7.	1 per 2 employees plus 1 per 5 children to be accommodated
8.	10,000 sq. ft.	8.	1 per 2 employees plus 1 per mobile home stand
9.	2500 sq. ft., but not less than 750 sq. ft. per person cared for	9.	1 per 3 employees plus 1 per 500 square feet of use area
10.	One acre	10.	1 per each 5 patients, plus 1 per each staff member of Supvr. Doctor, plus 1 per 3 employees
11.	80 acres	11.	3 per 4 employees plus 1 per 4 seats
12.	40 acres	12.	1 per employee plus 1 per sleeping accommodation
13.	20 acres (tract)	13.	1 per employee plus 1 per 3 seats in waiting room
14.	No requirement	14.	30
b.	Minimum Yards (Feet).	15.	As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
	Front Side (each) Rear	16.	For Multi-Family Dwellings
1.	# # #	a.	With one bedroom or efficiency apartment - 1 space
2.	# 40 40	b.	For 2 bedroom units - 1-1/2 spaces
3.	60 30 40	c.	For 3 bedroom units - 2 spaces
4.	100 75 40	j.	Development Plan To Be Submitted With Application.
	(Abutting Residential)	k.	Outdoor Advertising Signs and Outdoor Artificial Lighting Shall Be Approved By the Board.
	(Abutting Other Use)	1.	No Sales, Dead Storage, Repair Work or Dismantling On The Lot.
5.	# 10 #	m.	Maximum Height of Structure (Feet).
6.	25' plus 12' plus 20	1.	#
	add. 1' add. 1' 20	2.	As required by appropriate State or Federal Agency
	for each for each 3.	3.	65
	2' above 2 2' above 2 4.	4.	35
	story level story level 5.	5.	45
c.	Building Setback From Centerline of Interior Road.	6.	No requirements, but in the case of multi-family use, structure shall not exceed height protection limit of available fire or safety apparatus.
	40 (Feet)		
d.	Use Permitted Not Closer Than 200 Feet to a Residential Use.		
e.	Minimum Gross Floor Area of Principal Buildings. (Square Feet)		
1.	#		
2.	Over 1000		
f.	Plan of Landscape Development To Be Submitted With Application (may be combined with development plan).		
g.	Fence.		
1.	6-foot wire mesh where accessible to the public		
2.	4-foot wire mesh around play area		
3.	Solid wall or solid painted fence 8 feet high		
4.	4-foot wire mesh abutting residential use		
5.	8-foot wire mesh fence covered and maintained with thick ivy growth		
h.	Screen Planting Where Abutting Residential Use (tight screen, effective at all times).		
1.	6-foot height by 6-foot width		

(Ord. 12-1964, passed 8-11-64)

APPENDIX J: ZONING MAP.

